HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1964 OF 2006.

Sau. Sumanbai Dalvi & others. ..Petitioners.

Versus.

Inspector General of Police & Others. ..Respondents.

Shri. J. N. Pawar for the petitioners.

Smt. A. S. Pai A.P.P. for the State.

CORAM: S.B.MHASE &
S.R.SATHE JJ

DATE: NOVEMBER 21, 2006.

P.C.

1. Heard learned counsel for the petitioner and learned A.P.P. for the respondent-State.

2. By this petition, the petitioner has prayed to hold an enquiry as against respondent nos. 1 & 2 and to take appropriate legal action against A.P.I. Surve and Constables - Pachpid, Patole and Khire by lodging criminal case against them under the provisions of Atrocity Act. The complaints have been addressed by the petitioners on 16.3.2006, 17.3.2006 so also on 20.3.2006 to the various Authorities including the President of India, Home Minister of the State of Maharashtra, Chief Minister and also to the Superintendent of Police, etc., The grievance made in these complaints is that on

14.3.2006 there was festival of "Holi" and on fifth day there was Rangpanchami festival. It is further informed that from the day of Holi, for five days the male members of the family, during night time stay at the place of Holi and women only stay at home. On 16.3.2006 (Thursday) at about 4 to 5 a.m. the police van of Abhona police station came to village - Nanduri and there were 10-12 police and officers. After getting down from the jeep, they started to bang the doors of the house of the complainants and thereupon the complainants opened the doors. It is alleged that immediately the police have entered into the house and they have abused on count of the caste and creed and also in the name of the mother and sisters. It is further alleged that they snatched the quilts and they asked that where were your male persons. The complainant stated that looking to the post and conduct of the police officers they were afraid and it was informed to the police that the male persons had gone at the place of Holi. It is alleged that the police officers have, thus, committed an offence and the conduct of the police officers may be investigated.

3. Looking to the grievance of the Adivasi ladies as against the police officers, we issued notice and called upon the State to file an affidavit. The State has filed an affidavit of Rajvardhan, Superintendent of

Police, Nashik Rural, Nashik. From the said affidavit it is revealed that the said complaints - applications made by the petitioners were received in the Office of the Superintendent of Police and thereafter he directed to hold an inquiry into the said applications. The State has further filed an affidavit of Jairaj Rama Thakur, Deputy Superintendent of Police, Kalwan Division, Nashik Rural who has made an inquiry into the said applications. He has recorded the statements of the independent witnesses who are neighbourers of the petitioners, namely, Rajendra Shripat Ahire, Gautam Madhavrao Ahire, Pandit Narayan Thakare and Rajaram Waman Gaikwad. Not only that, but the statements of the police officers against whom the grievance was made were also recorded by the Inquiry Officer. It has transpired that the incident as alleged has not taken place. On the contrary, it is revealed that the husband of the petitioners were the accused in Cr.No. 54 of 2005 and which was registered under section 3(i)(x) of the Atrocity Act, and under section 7(i)(d) of the Protection of Civil Rights Act, and under sections 143, 323, 504, 506 and 427 of the Indian Penal Code. Therefore, in order to arrest these accused persons the police had been to the said place, however, the accused persons were not found and having found that the women were there the police had returned back. Thereafter the police has arrested the accused

persons from different places.

4. The facts eloquently show that the complaint - applications are manured to counter blast prosecution which has taken place as against the husband of the petitioner and since the police are investigating and have arrested the husband of the petitioners the complaints have been launched. We have gone through the record. We find that the inquiry has been properly conducted and there is no substance in the petition. The petition deserves to be rejected. Accordingly it is rejected.

(S.R.SATHE,J.) **(S.B.MHASE, J.)**

:srp/sathe/2006/